

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Wisconsin Resources Protection
Council, Center for Biological
Diversity, and Laura Gauger,

Plaintiffs,

Case No: 11-cv-45

v.

Flambeau Mining Company,

Defendant.

**DEFENDANT, FLAMBEAU MINING COMPANY'S, INITIAL
DISCLOSURES PURSUANT TO FED.R.CIV.P. 26**

(1) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information.

A. Jana Murphy
N4100 Hwy 27
Ladysmith, WI 54848

Ms. Murphy is the Environmental & Reclamation Manager for Flambeau Mining Company ("FMC") or ("Flambeau").¹ Ms. Murphy has knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses; permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental sampling activities concerning the Flambeau

¹ Note, as used herein, Flambeau may also refer to Flambeau Mining Company's former parent company, Kennecott Minerals Company.

Mine Site; and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site.

B. Tom Myatt
10100 Wild Creek Drive
Oro Valley, AZ 85742

Mr. Myatt was the former General Manager for the Flambeau mine. Mr. Myatt may have knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses; permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental sampling activities concerning the Flambeau Mine Site; and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site.

C. Jeff Earnshaw
4319 Sinclair Loop NE
Lacey, WA 98516

Mr. Earnshaw was a former Mine Manager for the Flambeau Mine Site and former General Manager for the Flambeau Mine Site. Mr. Earnshaw may have knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses, permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental sampling activities

concerning the Flambeau Mine Site, and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site.

D. Fred Fox
8 Payday Drive
Park City, UT 84068

Mr. Fox was the former Director of Health Safety & Environment and Reclamation for Kennecott Minerals. Mr. Fox has knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses; permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental sampling activities concerning the Flambeau Mine Site; and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site.

E. Dave Cline
Rio Tinto
4700 Daybreak Parkway
South Jordan, Utah 84095

Mr. Cline is the Principal Advisor-Legacy Management for Rio Tinto. Mr. Cline has knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses; permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental

sampling activities concerning the Flambeau Mine Site; and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site.

F. Ivan Shanks
1493 19 5/8 St.
Cameron, WI 54822

Mr. Shanks was a former employee of Flambeau. He was responsible for operation of the water treatment plant from startup until approximately 1998.

G. Richard Dachel
25754 County Hwy F
New Auburn, WI 54757

Mr. Dachel was a former Environmental Supervisor for Flambeau. Mr. Dachel has knowledge concerning the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's affirmative defenses; permits and approvals for the Flambeau Mine Site; construction, reclamation and remediation activities at the Flambeau Mine Site; storm water management at the Flambeau Mine Site; interaction with the local communities and citizen groups; uses of the Flambeau Mine Site; environmental sampling activities concerning the Flambeau Mine Site; and videos and photographs regarding the Flambeau Mine Site and the environment in the vicinity of the Flambeau Mine Site. He also had responsibility for field oversight of contractors during reclamation activities at the Flambeau mine from 1996 to 1998.

H. Jim Engelhardt
Stantec (formerly Natural Resources Consulting)
610 B West Ave.
Rice Lake, Wisconsin 54868

Mr. Engelhardt has knowledge concerning various environmental conditions regarding the Flambeau Mine Site.

I. Bill West
Blue Iris Environmental
5811 Twelve Corners Road
Black Creek, Wisconsin 54106

Mr. West has knowledge regarding aquatic biota sampling, sediment sampling and photographs of the Flambeau Mine Site and surrounding environment.

J. Tracy Huber
Northern Lakes Service, Inc.
400 North Lake Avenue
Crandon, Wisconsin 54520

Ms. Huber has knowledge regarding water sampling data, soil analysis data and biota analysis data concerning the Flambeau Mine Site and surrounding environment.

K. Steve Anders
21217 County Hwy O
Cadott, Wisconsin 54727

Mr. Anders has knowledge regarding environmental sampling and photographs of the Flambeau Mine Site and surrounding environment.

L. Jack Christman
W11123 Hwy 8
Bruce, WI 54819

Mr. Christman has knowledge regarding environmental sampling and photographs of the Flambeau Mine Site and surrounding environment.

M. The following individuals are or were employees of Applied Ecological Services, Inc. and have knowledge of reclamation and storm water management at the

Flambeau Mine Site and environmental sampling at and in the vicinity of the site. The business address is:

Applied Ecological Services, Inc.
17921 Smith Road
P.O. Box 256
Brodhead, WI 53520

The individuals are: Steve Apfelbaum, John Eppich, Tom Hunt, and Bill Stohl.

N. The following individuals are employees of Foth Infrastructure & Environment LLC and may have knowledge of the allegations in the Plaintiffs' complaint; the facts supporting the Defendant's Answer and affirmative defenses; permitting and regulatory approvals for the Flambeau Mine Site; storm water management at the Flambeau Mine Site; mining, reclamation and remediation activities at the Flambeau Mine Site; uses of the Flambeau Mine Site; sampling of the environment at and in the vicinity of the Flambeau Mine Site; and photographs of the Flambeau Mine Site and the surrounding environment. The business address is:

Foth Infrastructure & Environment LLC
2737 South Ridge Road, Suite 600
P.O. Box 12326
Green Bay, WI 54307-2376

The individuals are: Steve Donohue, Jim Hutchinson, Scott Jansen, Sharon Kozicki, Greg Perrins and Jerry Sevvick.

O. Numerous current and former employees of the Wisconsin Department of Natural Resources ("WDNR") may have knowledge regarding the allegations in the Plaintiffs' Complaint; the facts supporting the Defendant's Answer and affirmative defenses; permitting and regulatory approvals for the Flambeau Mine; storm water

management at the Flambeau Mine Site; mining, reclamation and remediation activities at the Flambeau Mine Site; uses of the Flambeau Mine Site; the compliance status of the Flambeau Mine Site; sampling of the environment at and in the vicinity of the Flambeau Mine Site; photographs of the Flambeau Mine Site and the surrounding environment; and any environmental reports regarding the Flambeau Mine. Many of the addresses and telephone numbers can be obtained from the official website of the WDNR.

Among such individuals are: Tom Aartilla, Bruce Baker, Jim Bertolacini, Joannie Burns, Philip Fauble, Charles Hammer, Jim Hansen, Jon Kleist, Terry Koehn, Mary Jo Kopecky, Paul Luebke, Larry Lynch, Ken Markart, Dan Peerenboom, Tom Portle, Craig Roesler.

P. Ms. Geralyn Felske
N7765 N. Bergseth Lane
Glen Flora, WI 54526

Ms. Felske is the current President of the Flambeau Riders Club and has knowledge of recreational areas of the former Flambeau Mine Site.

Q. Mr. Alan Christianson
Ladysmith City Hall
P.O. Box 431
Ladysmith, WI 54848

Mr. Christianson is the City Administrator for the City of Ladysmith and has knowledge regarding various regulatory approvals for the Flambeau Mine Site, reclamation and remediation activities at the Flambeau Mine Site; uses of the Flambeau Mine Site; and Flambeau's interactions with the local communities.

R. Al Gedicks
210 Avon Street
LaCrosse, WI 54603

Mr. Gedicks has knowledge regarding facts supporting the Defendant's affirmative defenses.

S. Laura (Furtman) Gauger
1321 E. 1st St. #201
Duluth, MN 55805

Ms. Gauger has knowledge regarding facts supporting the Defendant's affirmative defenses.

T. Tom Wilson
Northern Thunder
500 East Jefferson St.
Viroqua, WI 54665

Mr. Wilson has knowledge regarding facts supporting the Defendant's affirmative defenses.

U. John Coleman
Great Lakes Indian Fish & Wildlife
550 Babcock Drive, Room B102
Madison, WI 53706

Mr. Coleman may have knowledge regarding facts supporting the Defendant's affirmative defenses. Mr. Coleman also has knowledge regarding environmental sampling in the vicinity of the Flambeau Mine Site.

(2) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or

control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information.

Flambeau has documents in its possession or control that it will make available to counsel for Plaintiffs for inspection and copying at a mutual agreeable time and place, subject to FRCP Rule 26(b)(1) and the parties' agreement to the terms of a suitable protective order, if necessary. These categories include documents relating to:

- i. Permitting and other regulatory approvals for the Flambeau Mine Site;
- ii. Reclamation activities at the Flambeau Mine Site;
- iii. Remediation activities at the Flambeau Mine Site;
- iv. Various sampling data and information related thereto;
- v. Correspondence with the WDNR and/or USEPA related to the Flambeau Mine Site;
- vi. Correspondence to or from citizen groups;
- vii. Correspondence to or from various individuals concerning the Flambeau Mine Site;
- viii. Correspondence to or from local communities;
- ix. Photographs/videos of the Flambeau Mine Site;
- x. Uses of the Flambeau Mine Site.

The known locations of these documents are:

1. N4100 Hwy 27
Ladysmith, WI 54848

2. 3316 West 2100 South
Salt Lake City, UT 84101
3. 1665 South 5350 West
Salt Lake City, UT 84101

(3) Provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34.

Flambeau seeks recovery of its attorneys' fees and costs incurred in connection with this matter. The amount of those fees and costs will not be capable of determination until the matter is concluded on the merits.

(4) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment.

Not applicable.

Dated this 2nd day of May, 2011.

DEWITT ROSS & STEVENS s.c.

By: s/ Harry E. Van Camp

Harry E. Van Camp (#1018568)
Henry J. Handzel, Jr. (#1014587)
Timm P. Speerschneider (#1012525)
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**ATTORNEYS FOR DEFENDANT, FLAMBEAU
MINING COMPANY**